

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1858.

Mr. MALLORY made the following

REPORT.

[To accompany Bill S. 153.]

*The Committee on Naval Affairs, to whom was referred the petition of Joshua D. Todd, United States navy, asking to be allowed the difference of compensation between the grade of a passed midshipman and master for the time he acted as master, under the direction of the Secretary of the Navy, have had the same under consideration, and report :*

The petitioner asks to be allowed increased compensation for services rendered by him, he having, while a passed midshipman of the United States navy, performed the duties of a master, under directions from the Secretary of the Navy, from 17th June, 1844, to 10th of August, 1846. Many cases of an analogous character have been referred to your committee, and in their consideration they have adopted, as their general rule of action, the policy of refusing to grant to the officers of the navy any higher compensation than that allowed to them by law. There are, however, in the case of the petitioner, peculiar circumstances which make a deviation from the common rule just and proper. In the third section of the act of 17th June, 1844, all previous provisions of law granting to officers temporarily performing the duties belonging to those of a higher grade the compensation allowed by law to such higher grade were repealed. The general legislation remains unchanged; but, by act of 10th August, 1846, an exception was made in favor of passed midshipmen performing the duties of master under the direction of the Secretary of the Navy. It is to be presumed that this exception was established in consequence of the peculiarly responsible duties of masters as navigators of our ships-of-war. The service of Mr. Todd was performed in the interval between the enactment of the general repealing law and the establishment of the special exception in favor of passed midshipmen acting as masters. This fact, in the opinion of the committee, takes the case of Mr. Todd out of the ordinary principle which has governed them in refusing to recommend allowances for increased pay, and they accordingly report a bill for his relief.

